

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 HA-05 JUSE-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
NSCE-00 SSO-00 ICAE-00 INRE-00 /057 W
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TO SECSTATE WASHDC IMMEDIATE 3871
INFO USMISSION USUN NEW YORK IMMEDIATE

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FROM AMBASSADOR VANDEN HEUVEL

E.O. 11652: N/A
TAGS: SHUM, US
SUBJECT: PRESS GUIDANCE ON MEMPHIS HUMAN RIGHTS COMPLAINT

REF: STATE 227404/1

1. AT THIS POINT THERE HAS BEEN NO PUBLICITY IN GENEVA REGARDING THE MEMPHIS HUMAN RIGHTS COMPLAINT. TO AVOID PREJUDICING OUR CASE IT IS DEVOUTLY HOPED THAT THERE WILL BE NO PUBLICITY AT LEAST UNTIL AFTER SEPTEMBER 12. OUR FIRST SUGGESTION THEREFORE IS THAT NOTHING BE SAID UNLESS REQUIRED BY SPECIFIC QUERIES. IN THE EVENT OF SPECIFIC QUERIES, AS LITTLE AS POSSIBLE SHOULD BE SAID UNTIL AFTER SEPTEMBER 12, BY WHICH TIME THE SUB-COMMISSION SHOULD HAVE MADE ITS DETERMINATION REGARDING THE COMPLAINT AND OUR RESPONSE. FOR THE MOMENT, MY COMMENTS ARE RESTRICTED TO RECOMMENDING RESPONSES TO SPECIFIC QUERIES BEFORE REPEAT BEFORE SEPTEMBER 12. I THINK THERE ARE MANY THINGS THAT CAN AND SHOULD BE SAID AFTER THAT DATE DEPENDING UPON THE SUB-COMMISSION'S DECISION.

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2. THERE IS NO SPECIFIC RULE OR TRADITION REGARDING THE RELEASE BY A MEMBER STATE OF ITS RESPONSE TO A COMPLAINT. WHETHER TO RELEASE THE RESPONSE THEREFORE IS A JUDGMENT THAT SHOULD BE MADE IN THE CONTEXT OF DEPARTMENTAL INFORMATION POLICY. WE DO NOT BELIEVE THAT THE RELEASE OF THE RESPONSE WILL BE INTERPRETED BY MEMBERS OF THE SUB-COMMISSION AS A US ATTEMPT TO PRESSURE THEM. WE ALSO

BELIEVE THAT THE CONFIDENTIALITY PROCEDURES ARE DESIGNED TO PROTECT THE MEMBER STATES AND TO ENCOURAGE AN ATMOSPHERE OF CANDOR AND CONSTRUCTIVE RESPONSE. IF THE MEMBER STATE WISHES TO WAIVE THAT PROTECTION OF CONFIDENTIALITY IT SEEMS TO US THAT NEITHER THE SUB-COMMISSION NOR ANOTHER MEMBER STATE COULD TAKE LEGITIMATE ISSUE WITH THAT DECISION.

3. REGARDING THE SUGGESTED PRESS GUIDANCE, I WOULD RECOMMEND SOME SLIGHT AMENDMENTS.

QUESTION: WHEN WAS THE COMPLAINT RECEIVED? WHEN DID THE US FILE AN ANSWER?

ANSWER: THE COMPLAINT WAS RECEIVED BY THE DEPARTMENT OF STATE ON JULY 25, 1978. THE US RESPONSE WAS DELIVERED TO THE HUMAN RIGHTS DIVISION OFFICE IN GENEVA ON SEPTEMBER 5.

QUESTION: CAN WE HAVE COPIES OF THE COMPLAINT AND THE US RESPONSE?

ANSWER: COMPLAINANTS WILL HAVE TO RELEASE THE COMPLAINT. WE SHALL PROVIDE THE RESPONSE AS SOON AS ITS RECEIPT HAS BEEN OFFICIALLY ACKNOWLEDGED BY THE SUB-COMMISSION WHICH WE EXPECT WILL BE SOME TIME NEXT WEEK (COMMENT: SINCE LIMITED OFFICIAL USE

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THE RESPONSE HAS TO BE TRANSLATED INTO THE OFFICIAL LANGUAGES, IT WILL NOT BE OFFICIALLY DELIVERED TO THE SUB-COMMISSION UNTIL MONDAY AT THE EARLIEST).

QUESTION: WHAT IS THE CIRCUMSTANCE OF THE COMPLAINT?

ANSWER: IT ALLEGES A PATTERN OF BASIC RACIAL DISCRIMINATION BY THE LAW AUTHORITIES OF MEMPHIS AND SHELBY COUNTY, TENNESSEE AGAINST BLACK CITIZENS.

QUESTION: WHAT IS THE SUBSTANCE OF THE US REPOSE?

ANSWER: THE US RESPONSE DETAILS THE VARIOUS EFFORTS MADE BY FEDERAL, STATE AND LOCAL AUTHORITIES TO DEAL WITH THE FACTUAL ALLEGATIONS OF DISCRIMINATION AND ARGUES THAT THESE EFFORTS, WHICH HAVE INCLUDED THE SURVEILLANCE OF THE SITUATION BY THE US CIVIL RIGHTS COMMISSION, ARE CONTINUING.

4. WE AGREE WITH YOUR THOUGHTS EXPRESSED IN PARA 3 REFTEL. VANDEN HEUVEL

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